

## **Common Citizen Concerns**

Common Citizen Concerns is a resource for the public that addresses legislative action on issues about which citizens have recently expressed concern. Some of those issues are listed below. This page is updated every three months or as major issues arise. Click on the topic of your choice for an explanation of the recent action the Arizona Legislature has taken.

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## **Arizona Department of Corrections – Out-of-State Transfer of Inmates**

### **Background**

In order to relieve the bed shortages and overcrowded conditions in Arizona prison facilities, the Arizona Legislature approved funding for the Arizona Department of Corrections (ADC) to contract for prison beds outside of the state. ADC has been authorized to transfer up to 2,100 inmates out of the state during the construction of 2,000 new permanent beds in Arizona.

Transferred inmates will be placed in one of three out-of-state facilities. The Diamondback Correctional Facility is in Watonga, Oklahoma, approximately 65 miles northwest of Oklahoma City, Oklahoma. The Reeves County Detention Center is near Pecos, Texas, approximately 80 miles west of Midland, Texas. The Newton County Correctional Center is in Newton, Texas, approximately 150 miles northeast of Houston, Texas.

Certain inmates in custody Levels 2, 3 and 4 are eligible for transfer consideration. The criteria for selection includes their classification score, release dates and medical needs. Specific inmate populations, including protective segregation, are not eligible for consideration at this time.

Inmates will be transferred back to an Arizona facility no later than 30 days prior to their release date.

All participating out-of-state facilities have agreed to provide free video visitation and "at cost" charter bus services and will assist in locating over-night accommodations. In addition, each facility has designated a Family Assistance Coordinator to support families' efforts to maintain contact while the inmate remains in Texas or Oklahoma.

On-site ADC monitoring teams are assigned to all out-of-state locations to support Arizona inmates in their transition to their new facility and to ensure that those facilities operate in a manner comparable to ADC facilities. ADC staff also oversees all classification, discipline, grievance decisions and work assignments.

### **Services and Programs**

The following are service and program descriptions that will be offered to transferred ADC inmates.

### **Legal Access to the Courts**

The same legal research materials and paralegal support are available in accordance with ADC policies.

## **Health Services**

All facilities are required to provide comparable health services including medical, optometry, dental, pharmacy and mental health services in accordance with community standards of care and ADC policies. Medical prescriptions and devices will be transferred with the inmate. For additional information about inmate health delivery, please call the ADC Regional Health Administrator at: (520) 770-0023, ext. 223.

## **Commissary**

Inmates may purchase commissary items per ADC guidelines. Inmates may also receive money orders and cashier's checks in accordance with ADC policy. Money orders and cashier's checks are to be made out to the name of the facility. It is important that the inmate's name and ADC number are noted on the money order or cashier's check. The money orders and checks should be sent to:

### Diamondback Correctional Facility

Route 2, Box 336  
Watonga, OK 73772

### Newton County Correctional Center

RR #3, Box 22  
Newton, TX 75966

### Reeves County Detention Center

P.O. Box 2038  
Pecos, TX 79772-2038

## **Program Services**

Inmate programs include paid work assignments, Adult Basic Education (ABE) and GED classes, substance abuse education and treatment, a resource library, religious activities, hobby craft programs and recreational opportunities. Varying vocational programs may also be available.

## **Telephone Calls/Visitation**

Inmates may place collect and pre-paid long distance telephone calls and receive visits by pre-approved family and friends in accordance with ADC policies. Costs for long distance telephone communication include a \$2 connection fee and a 25 cents per minute rate thereafter from the Diamondback Correctional Facility. Inmates transferred to the Newton County Correctional Center and the Reeves County Detention Center may pre-purchase telephone time through the inmate store at the rate of 34 cents per minute plus a 34 cent connection fee.

## **Criteria**

Constituents may also contact your office with questions regarding the selection criteria for inmates being transferred. The selection criteria for transfer requires that inmates:

- not have a date of earliest release that is more than six months away.
- not be serving a life sentence.
- have a mental health score of three or less.
- be cleared by ADC medical staff.
- not be working in an Arizona Correctional Industries job assignment.
- not be appointed to a Level C job assignment.

Additionally, inmates who volunteer to be transferred and have met the above criteria will be given priority consideration.

ADC has stated there will be no special considerations made regarding the transfer of inmates with disabled or ill family members.

## **Contacts**

Additionally, each facility has a designated Family Assistance Coordinator to support families' efforts to maintain contact while the inmate remains in Texas or Oklahoma. Questions or concerns about specific inmates should be directed to the following contacts at the individual facilities:

### **Diamondback Correctional Facility:**

Family Assistance Coordinator: Sandra Clark  
580-614-2000, ext. 2215

### **Reeves County Detention Center:**

Family Assistance Coordinator: Noel Ybarra  
(432) 447-2909, ext. 1529

### **Newton County Correctional Center:**

Family Assistance Coordinator: Linda Cutrer  
(409) 379-3000, ext. 256

Families are encouraged to contact the inmate's complex in Arizona prior to transfer or the ADC Family and Friends Liaison, at anytime.

### **The Arizona Department of Corrections**

ADC Inmate Family & Friends Liaison  
(602) 364-3945  
Toll Free in-state: (866) 333-2039

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## **Homeowners' Association (HOA) Reform**

### **Background**

In recent years the Legislature has received many complaints involving homeowners associations (HOAs). Complaints have ranged from abuses of power, to secret meetings, to financial mismanagement.

### **Legislative Action**

In 2004, the Legislature passed nine bills that will hopefully curtail many of these problems.

#### **homeowners' associations; designated agent (S.B. 1125) – Chapter 57**

Requires an HOA to record a notice stating the name of the HOA or the designated agent or management company of the HOA, including their contact information, in the appropriate county recorder's office. The HOA must amend the notice or record a new notice within 90 days after any change to the HOA's address, designated agent or management company. Adds an escrow agent to the list of entities that an HOA is required to provide a statement of unpaid assessments against the unit.

#### **homeowners' associations; corporate actions (NOW: homeowners' associations; validity of actions) (S.B. 1137) – Chapter 75**

Allows any member of an HOA to challenge a corporation's power to act. Exempts an HOA from the ten percent voting power or the 50 member requirement to challenge the action of the corporation. The measure removes exemptions from the validity of a corporate action challenge prohibition for HOA members.

#### **homeowners' associations; meetings; records (H.B. 2177) – Chapter 114**

Requires all meetings of an HOA and its board of directors to be open to all HOA members, or a designated representative of an HOA member, except for portions of meetings pertaining to specific issues. The board may place reasonable time restrictions on speaking but requires the board to permit an HOA member or the member's designated representative to speak, at an appropriate time, before the board takes action on items under discussion. Specifies issues that the board can consider in a closed meeting. Requires all financial and other records of an HOA, with some exceptions, be made reasonably available for examination by any HOA member or the member's designated representative.

#### **homeowners' associations; annual audit (H.B. 2379) – Chapter 72**

Beginning January 1, 2005, an HOA board must provide for an annual financial audit, review or compilation of the HOA, unless governing documents require an annual audit by a certified public accountant. Requires the audit, review or compilation to be

completed no later than 180 days after the end of the HOA's fiscal year and requires the document to be available upon request to an HOA member within 30 days after its completion.

**homeowners' associations; written disclosure (H.B. 2380) – Chapter 245**

Requires an HOA to provide a purchaser with a statement informing the purchaser that the governing documents of an HOA constitute a contract and the purchaser may be giving up their right to the homestead exemption protection regarding a lien of the HOA.

**homeowners' associations; board member conflicts (H.B. 2381) – Chapter 312**

Requires a member of an HOA board of directors to declare a conflict of interest for any contract, decision or other action for compensation taken by or on behalf of the board that would benefit the board member, or any person who is a parent, grandparent, spouse, child or sibling of a board member or a parent or spouse of any of those persons. Requires the board member to declare the conflict in an open meeting of the board before the board discusses or takes action on the issue and then the board member may vote on that issue. Any contract entered into in violation of the conflict of interest standard is void and unenforceable.

**homeowner's associations; liens (H.B. 2402) – Chapter 342**

Allows an HOA to place a lien on a unit for monetary penalties, fees, charges, late charges or interest charges unrelated to payment of assessments only after the recording of a judgment in a civil suit for those monies from a court of competent jurisdiction. Prohibits the foreclosure on a lien for monetary penalties, fees, charges, late charges or interest charges unrelated to payment of assessments and stipulates that the lien is only effective upon conveyance of any interest in the real property.

**homeowner's associations; political signs (H.B. 2478) – Chapter 299**

Requires a planned community HOA to allow the indoor or outdoor display of a political sign by an HOA member on that member's property, beginning July 4, 2004. Specifies the duration of the display and the size and number of signs.

**homeowner's associations; public safety vehicles (H.B. 2492) – Chapter 166**

Requires that a planned community HOA allow a resident employed by a public safety agency to park a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less on a street or driveway if the vehicle bears an official emblem or other visible designation of that agency. Public safety agencies include police or fire service for a federal, state, local or tribal agency or a private fire service provider or an ambulance service provider.

## **Resources**

Information on specific legislation may be obtained at the Legislature's website at [www.azleg.state.az.us](http://www.azleg.state.az.us).

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## **Vehicle Registration - Plate and Fee to Owner**

### **Background**

In 2000, the Legislature established the vehicle license plate and fee to owner program. Prior to this legislation, when a vehicle was sold, the license plate and fees stayed with the vehicle and could then be utilized by the purchaser. There was no way for the original owner to reclaim the registration fees they had paid.

Beginning January 1, 2002, when a vehicle is sold, the owner must remove and retain the license plate instead of leaving the plate on the vehicle. The owner may transfer the license plate to another vehicle or surrender the plate to the Arizona Department of Transportation (ADOT) for a refund of unexpired vehicle license fees and taxes. Under the original 2000 legislation, a refund was only available if the credit exceeded \$350.00.

If the owner transfers the license plate to another vehicle, the owner may be eligible for a credit of fees previously paid on the vehicle that was transferred. The credit is based on the number of months remaining on the registration of the transferred vehicle *at the time the credit is applied to the new vehicle registration*. The credit may only be applied to one vehicle registration and cannot be divided between two or more vehicles.

### **Legislative Action**

In 2004 the Legislature passed Senate Bill 1233, which allows ADOT to issue a refund for the unexpired portion of a person's vehicle registration if the vehicle is transferred to another person and the remaining amount of the credit is greater than \$12.00. Under this legislation, ADOT is permitted to charge a \$12.00 fee for providing this service.

### **Frequently Asked Questions**

**Q.** I no longer own a vehicle that I can apply my registration credit towards. Can I get a refund instead?

**A.** Starting on January 1, 2005 anyone who has more than \$12.00 remaining on their registration will be eligible for a refund.

**Q.** How long can I wait before applying my registration credit to a new vehicle?

**A.** Your credit depreciates every month until it reaches zero on its original expiration date. It is a good idea to transfer the credit or apply for a refund as soon as possible.

**Q.** Can I apply the credit to more than one vehicle?

**A.** No. You may only apply the credit to one vehicle.



**Q.** I sold my vehicle and applied the credit to my new vehicle. However, the credit exceeded the amount of my new vehicle's registration. May I obtain a refund for the amount left over?

**A.** Yes. ADOT will automatically issue you a credit in this situation regardless of the amount of the credit. In this situation, the \$12.00 processing fee does not apply.

### **Resources**

For answers specific to your situation, you may consult the following resources:

Arizona Department of Transportation/ Motor Vehicle Division

Customer service representatives are available:

**Monday through Saturday**

(except on holidays)

**8:00 am to 5:00 pm**

(Customers on hold by 4:30 will be served.)

**Phoenix** 602-255-0072

**Tucson** 520-629-9808

**elsewhere in Arizona** 800-251-5866

[TDD Hearing/Speech impaired service call Phoenix 602-712-3222, elsewhere 800-324-5425.]

**Website:** [www.azdot.gov/mvd/vehicle/pftowebpage.asp](http://www.azdot.gov/mvd/vehicle/pftowebpage.asp)

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## **Property Tax Protection**

### **Background**

In recent years, the rapid population growth in Arizona and the home building boom have triggered an unprecedented increase in property values. This is generally good news for homeowners. However, this drastic appreciation can create a property tax burden for the elderly and disabled who have fixed incomes. Following are two methods of alleviating this tax burden.

### **Senior Property Valuation Protection**

Proposition 104, which was passed by the voters in 2000, amended the Arizona Constitution to provide senior citizens who are 65 years of age or older, property valuation protection by their county assessor if they meet certain income requirements. In order to qualify, adjusted gross income from all sources cannot exceed \$27,792 per year for single homeowners and \$34,740 per year for two or more owners. The property must also be the primary residence of the owner for at least the previous two years. If the county assessor approves a property valuation protection option, the value of the primary residence shall remain fixed at the full cash value in effect during the year the property valuation protection option is filed, and as long as the owner remains eligible. Applications for this protection are available from your county assessor's office.

### **Property Tax Exemption for Widows, Widowers and the Disabled**

The Arizona Constitution also allows the state Legislature to offer limited property tax exemptions to widows, widowers and disabled persons. The Constitution allows the Legislature to adjust these exemptions. In 2004, the Legislature increased the value of the home that qualifies for the exemption from \$100,000 to \$200,000. The Legislature also allowed the Department of Revenue to adjust the value of the home in the future to keep pace with inflationary changes. The current exemption that allows \$30,000 worth of value to be excluded was left unchanged. Since residential property is assessed at ten percent of its full cash value, the residence is then assessed at \$10,000 for a \$100,000 valued home and \$20,000 for a \$200,000 valued home. The ten percent ratio also applies to the exempt amount. Therefore a \$3,000 tax exemption for a residence is a \$30,000 exemption. Applications for this exemption are also available from your county assessor's office.

### **Resources**

For more information on these property tax protections, please contact your local county assessor's office listed below.

## **Arizona's County Assessor's Offices**

### **Apache County Assessor's Office**

Telephone: (928) 337-4364

PO Box 770 St. Johns, AZ 85936

[www.co.apache.az.us/live/info.asp?page=1325](http://www.co.apache.az.us/live/info.asp?page=1325)

### **Cochise County Assessor's Office**

Telephone: (520) 432-9320

PO Box 168 Bisbee, AZ 85603

[www.co.cochise.az.us/treasurer/Default.htm](http://www.co.cochise.az.us/treasurer/Default.htm)

### **Coconino County Assessor's Office**

Telephone: (928) 779-6502

110 East Cherry Flagstaff, AZ 86001

<http://co.coconino.az.us/assessor>

### **Gila County Assessor's Office**

Telephone: (928) 425-3231 x214

PO Box 271 Globe, AZ 85502

[www.co.gila.az.us/default.aspx](http://www.co.gila.az.us/default.aspx)

### **Graham County Assessor's Office**

Telephone: (928) 428-2828

800 Main St. Safford, AZ 85546

[www.graham.az.gov/assessor.htm](http://www.graham.az.gov/assessor.htm)

### **Greenlee County Assessor's Office**

Telephone: (928) 865-5302

PO Box 777 Clifton, AZ 85533

[www.co.greenlee.az.us/Assessor/AssessorHomePage.aspx](http://www.co.greenlee.az.us/Assessor/AssessorHomePage.aspx)

### **La Paz County Assessor's Office**

Telephone: (928) 669-6165

PO Box 790 Parker, AZ 85344

[www.co.la-paz.az.us/assessor.htm](http://www.co.la-paz.az.us/assessor.htm)

### **Maricopa County Assessor's Office**

Telephone: (602) 506-3406

301 W. Jefferson St. Ste 330 Phoenix, AZ 85003

[www.maricopa.gov/assessor](http://www.maricopa.gov/assessor)

### **Mohave County Assessor's Office**

Telephone: (928) 753-0703

PO Box 7000 Kingman, AZ 86402

[www.co.mohave.az.us/1moweb/depts\\_files/assessor\\_files/about\\_assess.htm](http://www.co.mohave.az.us/1moweb/depts_files/assessor_files/about_assess.htm)

**Navajo County Assessor's Office**

Telephone: (928) 524-4084

PO Box 668 Holbrook, AZ 86025

[www.co.navajo.az.us/Assessors/Assessors\\_Start\\_Page.aspx](http://www.co.navajo.az.us/Assessors/Assessors_Start_Page.aspx)

**Pima County Assessor's Office**

Telephone: (520) 740-8147

115 N. Church Ave. Tucson, AZ 85701

[www.asr.co.pima.az.us](http://www.asr.co.pima.az.us)

**Pinal County Assessor's Office**

Telephone: (520) 868-6361

PO Box 709 Florence, AZ 85232

[www.co.pinal.az.us/Assessor](http://www.co.pinal.az.us/Assessor)

**Santa Cruz County Assessor's Office**

Telephone: (520) 761-7845

PO Box 1150 Nogales, AZ 85628

[www.co.santa-cruz.az.us/assessor/index.html](http://www.co.santa-cruz.az.us/assessor/index.html)

**Yavapai County Assessor's Office**

Telephone: (928) 771-3220

1015 Fair St. Prescott, AZ 86305

[www.co.yavapai.az.us/departments/asr/AsrHome.asp](http://www.co.yavapai.az.us/departments/asr/AsrHome.asp)

**Yuma County Assessor's Office**

Telephone: (928) 373-6040

410 S. Maiden Ln. Yuma, AZ 85364

[www.co.yuma.az.us/assr/index.htm](http://www.co.yuma.az.us/assr/index.htm)

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## **Health Coverage Tax Credits – Healthcare Group**

### **Background**

Many workers who were recently displaced due to the effects of international trade are eligible for a federal Health Coverage Tax Credit (HCTC) to assist in paying for healthcare coverage. Many citizens want to know if the State of Arizona has a qualified health plan to use in conjunction with this tax credit.

### **Healthcare Group**

Senate Bill 1166, which was passed in 2004, established that Healthcare Group would be Arizona's qualifying plan to be used in conjunction with the federal Health Coverage Tax Credit. Healthcare Group is overseen by the Arizona Health Care Cost Containment System (AHCCCS) and offers several health plan options with a variety of flexible benefits and copays.

### **HCTC**

The HCTC is a federal tax credit. It was established by the federal Trade Act of 2002 to assist the following groups of people:

1. Workers who lose their jobs due to the effects of international trade and are eligible for certain Trade Adjustment Assistance (TAA) benefits; or are eligible for benefits under the Alternative Trade Adjustment Assistance (ATAA) program.
2. People who receive benefits from the Pension Benefit Guaranty Corporation (PBGC) and are at least 55 years old.

The program is a partnership of the federal government, state governments and health plan administrators. The federal government administers the program. State agencies help identify people who are eligible and help promote the program. Health plan administrators and state agencies work together to make qualified coverage options available for eligible individuals.

### **Resources**

To find out if you qualify for the HCTC, contact:

#### **The Internal Revenue Service – HCTC Hotline**

Toll Free 1-866-628-HCTC (1-866-628-4282)

TDD/TTY callers, please call 1-866-626-HCTC (1-866-626-4282)

Web: [www.irs.gov](http://www.irs.gov) (IRS keyword: HCTC)

For questions about Healthcare Group and their health plan options, contact:

**Healthcare Group - Enrollment and Billing**

Phoenix area: (602) 417-6755

Statewide: 1-(800) 247-2289

Email: [HCG@healthcaregroupaz.com](mailto:HCG@healthcaregroupaz.com)

Web: [www.healthcaregroupaz.com](http://www.healthcaregroupaz.com)

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## **State Income Tax Withholding Increase**

### **Background**

Beginning in January 2005, state income tax withholding rates will be increased to adjust to changes in federal tax rates.

The state withholding tax rates that employees elect to have withheld from their paychecks are a percentage of the federal withholding rates. Federal withholding rates were reduced beginning July 1, 2003 due to the passage of the federal Jobs and Growth Tax Relief Reconciliation Act of 2003. In 2003, as part of the Public Finance Budget Reconciliation Bill, state withholding rates were adjusted to offset the impact to the state of the reduced federal withholding rates.

### **Legislative Action**

After the passage of these changes, the Arizona Department of Revenue (ADOR) raised concerns that prompted additional study of the estimated impact of the federal withholding change on state revenues. It was discovered that original estimates did not take into account all of the aspects of the federal tax reductions. The original estimates failed to recognize the acceleration of the reduction in the federal tax rates at the higher end of the withholding brackets, or the increase in the standard deduction. Senate Bill 1415, which was passed in 2004, corrected the withholding rate adjustments to account for those factors.

While the amount taken out of payroll checks will increase, this change does not reflect an increase in actual income taxes. The new withholding rates will take effect January 1, 2005. None of the changes will preclude employees from changing the percentage of withholding tax if they so choose.

The following table illustrates the changes to the withholding tax rates.

Income Level	Old Rate	New Rate
Less than \$15,000	10.0	10.0
	18.2	19.0
	21.3	23
	23.3	25
	29.4	31
	34.4	37
\$15,000 or more	18.2	19
	21.3	23
	23.3	25
	29.4	31
	34.4	37

## **Resources**

For answers specific to your situation, you may consult the following resources:

### **Arizona Department of Revenue**

#### **Tax Assistance**

Individual/corporate tax	602 255-3381
Statewide toll-free	800 352-4090
Business taxes	602 255-2060
Statewide toll-free	800 843-7196

TTY/TDD (Hearing & Speech Impaired)	602 542-4021
Statewide toll-free	800 397-0256

#### **Website:**

[www.revenue.state.az.us](http://www.revenue.state.az.us)

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## **New Jury Duty Laws**

### **Background**

In the past, Arizona law has allowed prospective jurors to be excused from jury duty if performing that duty caused an undue physical or financial hardship on that person, or someone in their care. People were also allowed to postpone their jury duty until a later date. However, in an attempt to avoid jury duty altogether some people made unreasonable claims of hardship or repeatedly postponed their jury duty date. This burdened the judicial system by limiting the number of eligible jurors and delaying the administration of justice.

### **Legislative Action**

During the 2003 and 2004 legislative sessions the Legislature reformed parts of Arizona's jury duty laws to help stop these abuses. People still may be excused for hardship reasons or ask for postponements, however the law now requires prospective jurors to provide documented proof of their hardship before being excused, and limits the number of postponements that a person may receive. Potential penalties for failure to appear for jury duty were also increased, and The Lengthy Trial Fund was established for purposes of compensating jurors who serve for more than ten days of jury service.

### **Frequently Asked Questions**

**Q.** I have medical conditions that would make jury duty a severe hardship. How do I get excused?

**A.** A letter from your doctor to the court that summoned you explaining your illness or injury and why it would prevent you from performing your duty is sufficient. Make sure that your doctor addresses your specific medical condition in the letter. If your condition is permanent you also may request that the court permanently excuse you from jury duty.

**Q.** Who do I contact in order to get excused?

**A.** You must contact the court that summoned you for jury duty. It is the only entity with the authority to excuse you. The court's contact information should be on the summons you received.

**Q.** I have a permanent disability, but I was not excused. Why not?

**A.** Having a disability may not automatically disqualify you from serving on a jury. Many courts have made accommodations for persons with physical disabilities such as wheelchairs and hearing impairments. Many disabled people are able to perform jury duty with reasonable assistance.

**Q.** Why was no provision made for the difficulties of senior citizens?

**A.** Senior citizens are an important and large part of our population in Arizona. Most seniors are capable and willing to serve jury duty when asked to do so, therefore the Legislature did not want discriminate against seniors by automatically excusing them. However, it is a fact of life that seniors more frequently have medical and transportation difficulties, and the Legislature will review the statutes in the future with regards to how they affect seniors.

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